

EXHIBIT ONE

Proposed Form of Court-Authorized Notice and Consent

This is a Time-Sensitive, Court-Authorized Notice

**IMPORTANT NOTICE TO ALL CURRENT AND FORMER BARTENDERS AND BARBACKS
EMPLOYED BY BACKSLIDERS LLC d/b/a SOUTH AUSTIN BEER GARDEN**

Please read this notice carefully as it concerns your legal rights to receive compensation related to, and resulting from, your employment with Backsliders, LLC d/b/a South Austin Beer Garden (“SABG”).

If you worked as a bartender or barback for SABG at any time from December [REDACTED], 2020 to the present, you may be entitled to join a lawsuit alleging that SABG underpaid wages and misappropriated tips. As described below, SABG, Ryan Thomas, and David B. Pearce deny the allegations in the lawsuit and are defending the lawsuit. The Court has made no determination in favor of either side.

DEADLINE TO RETURN CONSENT FORM: [INSERT DATE]

1. Why Am I Receiving This Notice?

This Notice is provided in connection with a collective action wage and hour lawsuit pending in the United States District Court for the Western District of Texas (“the Court”). The Court has authorized this notice to be sent to all current and former employees who may be eligible to join the lawsuit. The underlying claims in the lawsuit are disputed.

You received this notice because SABG’s records show you worked for at least one week for SABG as a bartender and/or barback during the past three (3) years.

You may be entitled to make a claim and join this lawsuit if:

1. You worked for SABG as a bartender and/or barback for at least one week at any time from December [REDACTED], 2020 to the present;
2. You were paid a subminimum hourly wage (below \$7.25 per hour) and were required to contribute a portion of your tips to a tip pool.

This notice is intended to advise you about your legal rights and inform you of your right to join this lawsuit.

2. What is This Lawsuit About?

Isabella Bernal (“Plaintiff”) is a former bartender for SABG who filed this lawsuit on behalf of herself and on behalf of other current and former bartenders and barbacks who were paid a subminimum hourly wage plus tips. Plaintiff has brought this lawsuit against SABG and against two owners of SABG, Ryan Thomas and David B. Pearce.

Plaintiff alleges that SABG violated federal law by requiring its bartenders and barbacks to contribute their tips to a tip pool which then improperly distributed tips to SABG supervisors, to owners of SABG, to workers who did not customarily and regularly receive tips, and to employees of a separate entity, Hanks Bar-B-Q ATX, LLC. Plaintiff further alleges that SABG violated federal law by requiring its bartenders and barbacks to perform non-tipped work while being paid a subminimum hourly wage or no wage at all. Plaintiff seeks to recover money damages against SABG for unpaid minimum wages, misappropriated tips, liquidated damages (double damages), plus an award for Plaintiff’s attorneys’ fees and costs.

SABG, Ryan Thomas, and David Pearce dispute Plaintiff’s allegations, deny that they violated the law, and deny that Plaintiff is entitled to the relief sought by her lawsuit.

3. How Do I Join This Lawsuit?

You can decide either to join or not to join the lawsuit. A consent form is attached to this notice. If you wish to join this lawsuit, you must return a signed consent form to Plaintiff's counsel (listed below) using one of the following methods:

- 1. You may Electronically Sign and Submit a Consent Form by visiting:
[**<<hyperlink>>**](#)**

or

- 2. You may return a signed Consent Form by emailing it, faxing it, or mailing it to:**

**Aaron Charles de la Garza
Aaron C. de la Garza, PLLC
509 West 18th Street
Austin, Texas 78701
512-474-7054
512-474-5605 (facsimile)
aaron@adlglaw.com**

IF YOU WISH TO JOIN IN THIS LAWSUIT, YOU MUST SUBMIT A SIGNED CONSENT FORM BY [INSERT DATE]

4. What Happens if I Join This Lawsuit?

By timely submitting the Consent Form you will be part of this case and represented by the Plaintiff's attorneys at Aaron C. de la Garza, PLLC and Welmaker Law, PLLC. If you join this lawsuit, you will be bound by any judgment of the Court, whether it is favorable or unfavorable. If you do not join this lawsuit, you will not be bound by any judgment of the Court. Plaintiff wins or a settlement is reached, you may be entitled to a sum as part of the judgment or settlement. If this lawsuit is not successful, you will receive nothing, but you will not be responsible for any lawsuit costs, expenses, or attorneys' fees.

Federal law prohibits SABG or anyone else from discriminating or retaliating against you for exercising your legal rights, including exercising your legal right to join this lawsuit.

5. What Happens if I Do Not Join This Lawsuit

By doing nothing, you are choosing not to participate in this lawsuit, and you will not be represented by Plaintiff's counsel. If any money is awarded, you will not be entitled to money received as part of a judgment or settlement, and you will not be bound by the judgment in this lawsuit or by the terms of a settlement (if one is reached) whether favorable or unfavorable. If you do not join this lawsuit, your rights to sue SABG separately at a future time, for the same or related claims, to the extent permitted by law will not be affected. However, if you choose not to join this lawsuit, the legal time limit for you to file a claim against SABG will continue to run until your consent is filed with the Court or you file your own lawsuit against SABG.

6. How Do I Get More Information?

If you have questions or want more information about this lawsuit, including your legal rights, please contact the attorneys who are representing the Plaintiff in this lawsuit:

**Aaron Charles de la Garza
Aaron C. de la Garza, PLLC
509 West 18th Street
Austin, Texas 78701
512-474-7054
aaron@adlglaw.com**

CONSENT TO JOIN FLSA LAWSUIT

I understand that this lawsuit is brought under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. (“FLSA”) by Isabella Bernal (“Plaintiff”) against Backsliders, LLC d/b/a/South Austin Beer Garden (“SABG”), Ryan Thomas, and David B. Pearce (together, “Defendants”) to recover unpaid wages, misappropriated tips, liquidated damages, and attorneys’ fees and costs.

By signing this consent, I designate the firm and attorneys at Aaron C. de la Garza, PLLC and Welmaker Law, PLLC (“Law Firms”) and any other attorneys with whom they may associate to pursue my claims for unpaid wages. I also consent to be bound by the court’s decision or judgment. I understand that I will be bound by, and will share in, any judgment entered by the Court or the terms of any settlement in this litigation that may be negotiated on behalf of all Plaintiffs.

I consent to having Plaintiff and Plaintiff’s Counsel make decisions on my behalf regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement in this litigation, entering into an agreement with Plaintiff’s Counsel regarding representation, and all other matters pertaining to the lawsuit. If I sign this consent, the decisions or agreements made and entered into in this litigation by Plaintiff will be binding on me.

I understand that Plaintiff has entered into a Representation Agreement with the Law Firms that apply to all opt-in plaintiffs who sign and file this consent. By signing this consent, I agree to be bound by the Representation Agreement. I understand that I may obtain a copy of the Representation Agreement by requesting it from the Law Firms.

I understand that Isabella Bernal is the Representative Plaintiff in this litigation. I understand that the Law Firms and Plaintiff may, in the future, appoint other individuals to be Representative Plaintiff(s) in this litigation. I consent to such appointment and agree to be bound by the decisions of such new Representative Plaintiff(s) for all purposes related to this litigation.

I acknowledge that this consent will be filed in this lawsuit, which seeks to recover underpaid wages and misappropriated tips that I may be owed by Defendants.

Printed Name

Date

Signature

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

This information will not be made part of any public record and is necessary for your attorneys' files for litigation and possible settlement purposes.

Name: _____
First Name _____ Middle Initial _____ Last Name _____

Any other Name(s) used or known by: _____

Street Address: _____

City, State, & Zip Code: _____

Mobile Telephone: _____

Secondary Telephone: _____

Emergency Contact: _____

E-Mail Address: _____

Estimated dates of employment with SABG: _____

Positions held with SABG: _____

Hourly rate(s): _____

Other Compensation Received: _____

**Return this form with your signed consent by [insert date]
to Plaintiff's counsel identified below, by mail, email, or fax to:**

**Aaron Charles de la Garza
Aaron C. de la Garza, PLLC
509 West 18th Street
Austin, Texas 78701
512-474-7054
aaron@adlglaw.com**